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URBANLIP.COM LTD.

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

URBANLIP.COM LTD.

Case No. 8:18-cv-01685-DOC-JDE

Plaintiff,

**DECLARATION OF RYAN E.  
CARREON IN OPPOSITION TO  
REQUEST TO RESCHEDULE THE  
SCHEDULING CONFERENCE**

LEREVE SKIN INSTITUTE INC., a California Corporation; HELEN YU, an individual; and DOES 1 through 10 inclusive,

Judge: David O. Carter  
Courtroom: 9-D  
Conference Date: Dec. 20, 2018  
Conference Time: 1:30 p.m.

## Defendant.

Complaint Filed: Sept. 18, 2018

**DECLARATION OF RYAN E. CARREON**

I, Ryan Carreon, declare as follows:

1. I am over the age of 18 years old. I am an attorney at law admitted to  
2 practice in the Central District of California. I have personal knowledge of all  
3 matters stated herein, and if called as a witness, I could and would competently  
4 testify thereto.

2. I am the attorney of record for Plaintiff urbalip.com Ltd. (“UrbanLip”)  
3 in the above captioned matter.

3. I submit this declaration in opposition to Defendant Helen Yu’s  
4 request for a 30-day continuance of the Scheduling Conference currently on  
5 calendar for December 20, 2018 at 1:30 p.m.

4. On September 24, 2018, I emailed Defendant Yu a courtesy copy of  
5 the Complaint and Exhibits in this matter. Ms. Yu immediately responded.

5. Since that time we have been in regular contact with each other  
6 regarding various aspects of this case.

6. Since approximately late October, 2018, Ms. Yu and I have been  
7 engaged in substantive settlement discussions, including speaking on the phone on  
8 multiple occasions and exchanging numerous emails.

7. Additionally, we also met and conferred regarding the Plaintiff’s  
8 Motion to Strike, and conferred and prepared the Rule 26 Joint Report in  
9 anticipation of the scheduling conference.

1       8. Ms. Yu has been very pleasant and easy to work with, and both parties  
2 have voluntarily exchanged information in order to facilitate our settlement  
3 discussions.

4       9. For the first time, on Tuesday, December 11, 2018, Ms. Yu requested  
5 that I stipulate to a 30-day continuance of the Scheduling Conference. After Ms.  
6 Yu's request, but before I could respond, the Court issued its ruling granting  
7 UrbanLip's Motion to Strike, and ordering Defendant LeReve to obtain counsel no  
8 later than January 1, 2018.

9       10. Since Defendant Yu does not receive automatic ECF notifications, I  
10 forwarded a copy of the order to her. I also explained to Ms. Yu that the December  
11 20<sup>th</sup> conference was primarily for discussing the timeline of the case and  
12 formalizing the Scheduling Order. I also explained that, while I expected that the  
13 Court would want to talk to the parties about the case, that the conference was not a  
14 trial and I did not anticipate that any substantive rulings would be made. I also  
15 stated that I thought it would be helpful for both parties to be able to speak directly  
16 to the Court, and for the Court to be able to enter a Scheduling Order that would  
17 ostensibly include an ADR referral.

18       11. While I can appreciate Defendant Yu's reasons for requesting a  
19 continuance, I do not believe that proceeding with the conference as currently  
20 scheduled would prejudice Defendant Yu in any way, including her ability to  
21 present her case or defend herself if she decides not to retain an attorney.

22       12. Conversely, Plaintiff would be prejudiced in this matter.

1           13. First, the lack of a Scheduling Order would unduly delay the  
2 adjudication of this case should the parties not be able to settle. At this point the  
3 parties have made a good faith effort to settle, but are far apart on many material  
4 settlement terms. Additionally, as reflected in the Joint Rule 26 Report previously  
5 submitted to the Court, the parties have vastly different proposals for the timeline of  
6 this case which will likely require direct discussion with the Court to resolve.  
7

8           14. Second, the Court has Ordered Defendant LeReve to obtain counsel  
9 and file an Answer no later than January 1, 2018; after the currently scheduled  
10 conference date, but nearly three weeks before the proposed date of January 20<sup>th</sup>,  
11 2019. Given that it is possible that Defendant LeReve does not obtain counsel by  
12 that date, I would like to speak with the Court and Defendant Yu about the  
13 procedural implications of potential default proceedings against Defendant LeReve  
14 prior to deadline.  
15

16           15. Third, I believe that an in person conference would be beneficial to  
17 both parties, as it would allow a direct dialogue with the Court which I personally  
18 believe will be beneficial and allow the parties to potentially reevaluate their  
19 settlement positions.

20           16. Finally, Defendant Yu alluded to allegations in the Complaint  
21 regarding prior infringements that occurred in 2012. To be clear, UrbanLip does not  
22 claim those infringements as part of this lawsuit as they would be well outside the  
23 statute of limitations. To the extent that Defendant Yu needs time to contact persons  
24 with knowledge of those infringements, Defendant Yu will have plenty of time to  
25

1 act within the appropriate discovery timeframe set forth in the Scheduling Order. I  
2 do not believe that information will be needed to prepare for the December 20<sup>th</sup>  
3 conference.

4 17. Therefore, I respectfully oppose Defendant Yu's request for a  
5 continuance.

7 I certify under penalty of perjury under the laws of the United States that the  
8 foregoing is true and correct. Executed on December 13, 2018, at Santa Ana,  
9 California.

11  
12 */s/ Ryan E. Carreon*  
13 Ryan E. Carreon, Esq.  
*Counsel for Plaintiff*

## **PROOF OF SERVICE**

I, the undersigned, say:

I am a citizen of the United States and I am a member of the Bar of this Court. I am over the age of 18 and not a party to the within action My business address is 1504 Brookhollow Dr., Ste 112, Santa Ana, California, 92705.

On December 13, 2018, I caused to be served the foregoing documents:

## **DECLARATION OF RYAN E. CARREON IN OPPOSITION**

(BY MAIL) I deposited such envelope in the mail at Santa Ana, California. The envelope was mailed with postage thereon fully prepaid and addressed to the person below:

Helen Yu  
18 Technology Drive, Suite 138  
Irvine, CA 92618

I certify under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on December 13, 2018, at Santa Ana, California.

/s/ **Ryan E. Carreon**  
Ryan E. Carreon, Esq.  
*Counsel for Plaintiff*